

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VIVIAN RODELA-SLAGOSKE, individually, )  
 )  
Plaintiff, ) NO.  
 )  
v. ) COMPLAINT FOR DAMAGES  
 )  
 ) (JURY DEMANDED)  
ANACORTES POLICE DEPARTMENT, a )  
municipal department, THE CITY OF )  
ANACORTES, a municipal corporation, )  
EVAN MICHAEL, in his personal and official )  
capacities, and JOHN DOES 1-10, individuals; )  
 )  
Defendants. )  
 )

Plaintiff, by and through her attorneys, hereby alleges as follows:

**I. PRELIMINARY STATEMENT**

1.1 This is a civil action against the City of Anacortes and the Anacortes Police Department, and individual police officers employed by the Anacortes Police Department, for violating Vivian Rodela-Slagoske's civil and constitutional rights by subjecting her to unreasonable and excessive force on or about October 1, 2018 and causing her to suffer grievous and permanent injuries.

## **II. PARTIES**

2.1 At all times material and relevant hereto, Plaintiff Vivian Rodela-Slagoske was a resident of the City of Anacortes, in Skagit County, Washington.

2.2 Defendant City of Anacortes is a municipal corporation and a person within the meaning of 42 U.S.C. '1983, operating in this judicial district.

2.3 Defendant City of Anacortes Police Department ("APD") is a department of the City of Anacortes and a person within the meaning of 42 U.S.C. '1983. The APD is responsible for traditional law enforcement activities within the City of Anacortes.

2.4 Defendant Evan Michael is an APD Officer in Skagit County and is believed to have resided in Skagit County at all times relevant and material to this Complaint. At all times relevant and material to this Complaint, Defendant Evan Michael was an employee of the City of Anacortes and was acting within the course and scope of his employment. All acts of Defendant Evan Michael were done under the color of the laws of the State of Washington and under the authority of his position as a police officer with the APD.

2.5 Plaintiff anticipates the possibility that there will be other individual defendants, not currently known by name, who were employed by and/or were agents of the City of Anacortes and who bear liability for the allegations herein. Because Plaintiff does not currently know the names of all such individuals, they are identified in this complaint by the pseudonyms John Does 1-10, and Plaintiff may seek to amend this complaint to add them as individual defendants as discovery and investigation progress. These John Does include officers with APD, supervisors, and/or other agents and employees of Defendant City of Anacortes.

### III. JURISDICTION AND VENUE

3.1 This Court has original jurisdiction over the Plaintiff's civil rights claims under 42 U.S.C. § 1983, pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343 (civil rights). This Court has supplemental jurisdiction over the Plaintiff's related state law claims pursuant to 28 U.S.C. § 1367(a).

3.2 Venue is proper in this jurisdiction under 28 U.S.C. § 1391(b) because all of the events that support the Plaintiff's allegations occurred in this judicial district and because the defendants reside in this judicial district.

### IV. ADMINISTRATIVE PROCEEDINGS

4.1 Defendant City of Anacortes is a municipal corporation which has consented to be sued pursuant to RCW 4.96. Plaintiff filed a valid tort claim with the City of Anacortes on July 19, 2021, and sixty days have elapsed since the filing of the claim. Plaintiff has complied with all prerequisites for filing private suit.

### V. FACTUAL ALLEGATIONS

5.1 On the evening of October 1, 2018, defendant Evan Michael went to the Anacortes home of Plaintiff Vivian Rodela-Slagoske in response to a domestic disturbance call.

5.2 Defendant Evan Michael informed Plaintiff Vivian Rodela-Slagoske that he was placing her under arrest, and he proceeded to place her in handcuffs with her hands behind her back.

5.3 Plaintiff informed Defendant Evan Michael that the handcuffs were loose, as she is a small woman with small hands.

5.4 Defendant Evan Michael intentionally and maliciously squeezed the handcuffs and Plaintiff's hands until an audible pop sound emanated from Plaintiff's left hand, causing Plaintiff to experience immediate and severe pain.



1           5.5     Plaintiff informed Defendant Evan Michael that she was in pain, and he refused to  
2 loosen the handcuff or inspect her left hand for injury.

3           5.6     Plaintiff is diabetic and had gone to dinner with her husband just before returning home  
4 that evening. She had intended to inject herself with insulin after dinner to control her glucose levels  
5 after having consumed carbohydrates at dinner.  
6

7           5.7     Plaintiff asked Defendant Evan Michael to be permitted to provide herself with an  
8 insulin injection prior to being transported to the police department. Defendant Evan Michael denied  
9 her requests and even threatened to charge her with possession of drug paraphernalia for the various  
10 insulin needles that could be found in Plaintiff's home.  
11

12           5.8     Defendant Evan Michael placed Plaintiff in the back of a squad car.

13           5.9     Plaintiff continued to try to explain that she had severe pain in her left hand and that she  
14 was feeling ill as her blood sugar continued to climb without insulin.  
15

16           5.10    Defendant Evan Michael told Plaintiff that if she did not stop squirming he would "hog  
17 tie her like a little pig."

18           5.11    Throughout the continued encounter with Plaintiff, Defendant Evan Michael used  
19 excessive and unreasonable force against Plaintiff and/or failed to intervene while such force was used  
20 by fellow officers who have been identified as John Does 1-10.  
21

22           5.12    Throughout the continued encounter with Plaintiff, Defendants John Does 1-10 used  
23 excessive and unreasonable force against Plaintiff and/or failed to intervene while such force was used  
24 by fellow officer Evan Michael or the officers who have been identified as John Does 1-10.  
25

26           5.13    When Plaintiff was evaluated hours later, her untreated blood glucose levels had  
27 climbed to dangerous levels in excess of 500.  
28

1           5.14 These injuries were caused by the defendants' use of excessive force against Plaintiff  
2 and subsequent delay in providing her with necessary medical care for her diabetes. Plaintiff has been  
3 damaged in an amount to be proven at trial. Her damages include, *inter alia*, past and future medical  
4 expenses and other past and future costs of care, pain, suffering, disfigurement, emotional distress, loss  
5 of enjoyment of life, and other damages attendant to the physical and mental injuries caused by the  
6 defendants.  
7

8           5.15 Throughout their encounter with Plaintiff, defendants acted intentionally, knowingly,  
9 maliciously, and/or recklessly in violation of her well-established constitutional rights under the Fourth  
10 and Fourteenth Amendments to the United States Constitution.  
11

12           5.16 Defendants' actions and failures to act manifest a malicious, reckless and callous  
13 indifference to Plaintiff's rights.  
14

15           5.17 Defendant City of Anacortes is subject to municipal liability for the unconstitutional use  
16 of excessive and unreasonable force described herein. The actions of the individual defendants as  
17 alleged herein were carried out in accordance with the official policies, procedures, customs, and  
18 practices of the City of Anacortes. The City of Anacortes failed to adequately train and/or supervise  
19 its personnel with regard to the use of force described in this complaint. The City of Anacortes engaged  
20 in and permitted to exist a pattern or practice of unconstitutional use of force like the force described  
21 in this complaint. The City of Anacortes also failed to adequately investigate the unconstitutional use  
22 of force described herein and/or ratified the unconstitutional use of force by its employees and/or  
23 agents.  
24

25           5.18 Plaintiff alleges in the alternative that if the actions of Defendants were not done  
26 intentionally, knowingly, maliciously, and/or recklessly, then they were done negligently.  
27  
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1           5.19 Plaintiff further alleges in the alternative that Defendants APD and City of Anacortes  
2 were negligent in their hiring, training, and supervision of officers Evan Michael and John Does 1-10.

3  
4                                   **VI. CLAIMS**

5                                   **A. Excessive Force (42 U.S.C. § 1983)**

6           6.1 As a result of the allegations contained herein, Defendants are liable to Plaintiff under  
7 42 U.S.C. § 1983 for violating Ms. Rodela-Slagoske's constitutional rights by subjecting her to  
8 excessive and unreasonable force.

9  
10                                  **B. Common Law Claims**

11           6.2 As a result of the allegations contained herein, Defendants are liable to Plaintiff for  
12 common law torts under Washington law, including assault, battery, and negligence.

13                                  **VII. JURY DEMAND**

14           6.3 Plaintiff demands a trial by jury.

15                                  **VIII. PRAYER FOR RELIEF**

16           WHEREFORE, the Plaintiff prays that the Court award:

17  
18           7.1 Compensatory, consequential and/or nominal damages in an amount to be proven at  
19 trial, in amounts sufficient to compensate Ms. Rodela-Slagoske for past and future medical expenses  
20 and other past and future costs of care, pain, suffering, disfigurement, emotional distress, loss of  
21 enjoyment of life, and other damages attendant to the physical and mental injuries caused by the  
22 Defendants;  
23

24           7.2 Punitive damages against the individual Defendants, in an amount to be proven at trial;

25           7.3 Reasonable attorneys' fees, costs, and prejudgment interest incurred in pursuing this  
26 action as provided for in 42 U.S.C. § 1983; and  
27  
28




7.4 Any such other relief that this Court deems just and equitable under the circumstances

of this case.

DATED this 21<sup>st</sup> day of September, 2011.

MILLER OLSEN, PLLC



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Attorneys for Plaintiff